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BANNER & WITCOFF, LTD.
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In re Application of: Morteza KALHOUR)
Application No. 09/814,182) **DECISION ON PETITION TO**
Attorney Docket No. Q63616) **WITHDRAW HOLDING OF**
Filed: March 22, 2001) **ABANDONMENT UNDER 37 CFR**
For: COMMUNICATION METHOD, A) **§1.181**
NETWORK AND A TERMINAL USING)
SAID METHOD)

This is a decision on the renewed petition, filed May 10, 2007, requesting the Withdrawal of the holding of Abandonment of the above-identified application, under 37 CFR §1.181. This application was held abandoned for failure to timely respond to the Office action (non-final) mailed August 20, 2004. A Notice of Abandonment was mailed on June 17, 2005. The original petition, requesting the Withdrawal of the holding of Abandonment, filed August 26, 2005, was dismissed in a decision mailed on March 22, 2007.

According to the MPEP §711.03(c), the showing required to establish nonreceipt of an Office action includes the following:

- 1) a statement from practitioner that the Office action was not received;
- 2) a statement from practitioner that the file jacket and docket records were searched;
- 3) a copy of the docket record at the address of record; *and*
- 4) a reference to the docket record in the practitioner's statement.

In support of the petition, applicants' representative provides a statement that the Office action was not received and that a search of the file jacket and document records has been performed. In addition, Petitioner provides a copy of the docket record at the address of record and makes reference to the docket record provided in the instant petition.

Petitioner has established non-receipt of the Office action according to the requirements set forth above. Accordingly, the petition is **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to restore the instant application to pending status, before **REDATING** and **REMAILING** the non-final Office action (originally mailed August 20, 2004) to Applicant.

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